IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 7980 of 1995

Between:

Major B.S.Bains, S/o.Niranjansingh Bains,
Anand Enterprises, Indian Gas Company,
R.S.Road, Ananthapur (PO & Dist.).

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Ananthapur(PO & Dist.).
2 The Revenue Divisional Officer,
Ananthapur(PO & Dist.).
3 The District Collector,
Ananthapur.
4 The Commissioner of Land Revenue, Government of A.P.,
Nampally Station Road, Hyderabad.
5 The Government of A.P., Rep. by its Secretary,
Revenue Department, Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of writ of mandamus declaring the proceedings CLR Ref.No.Spl.B3/3913/88, dt.14/12/94 of the 4th Respondent and proceedings L.Dis.A5/986/95, dt.7/2/95 of the 3rd Respondent in refusing to assign the land admeasuring 23 cents in Survey No.211/2A-2B of Narayanapuram Village, Ananthapur Mandal & Dist. on payment of market value to the petitioner as illegal, irregular, arbitrary, unjustified, unsustainable, unconstitutional, contrary to the principles of natural justice and null and void and direct the respondent to assign the same in favour of the petitioner on payment of market value existing.

Counsel for the Petitioner: MR.P.VEERA REDDY
Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.7980 OF 1995

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the proceedings dated 14.12.1994 issued in CLR Ref.No.Spl.B3/3913/88, on the file of the fourth respondent and also the proceedings dated 7.2.1995 in L.Dis.No.A5/986/95 on the file of the third respondent, refusing to assign the land admeasuring 23 cents situated in survey No.211/2A-2B of Narayanapuram village of Ananthapur district, as illegal and arbitrary.

The petitioner, who is an ex-serviceman, was allotted one acre of land in the above survey number. It is the case of the petitioner that he was also permitted to come into possession of land admeasuring 23 cents which is adjoining the land allotted to him and that he is using the said land for his own purpose. It is stated that inasmuch as the land allotted to the petitioner has no clear road access, the petitioner is in requirement of the said piece of land. He made an application to sell the said piece of land on payment of market value. Proposals were sent to the Commissioner of Land Revenue, the fourth respondent herein. Based on the proceedings of the Commissioner of Land Revenue dated 14.12.1994, the District Collector-third respondent by impugned order dated 7.2.1995 rejected the representation of the petitioner for assignment of the said piece of land on payment of market value.

In the counter filed on behalf of the respondents it is stated that the petitioner was allotted an extent of one acre of land in survey No.211/2A,2B situated at Narayanapuram village wherein the petitioner has constructed godown to store the

cooking gas refill bottles. It is further stated that the land admeasuring 23 cents in survey No.211-2A- 2B is occupied by the petitioner by erecting polls and wire. In the counter it is also stated that the land already assigned to the petitioner has got good access to national highway and in that view of the matter, the request of the petitioner for assignment of further land was rejected.

It is submitted by Sri P.Veera Reddy, learned counsel for the petitioner that earlier there was a proceeding in Rc.No.(A4)/945/81, dated 11.3.1985 issued by the District Collector, Ananthapur which was addressed to the Commissioner of Land Revenue wherein the District Collector has stated no objections to assign this piece of land to the petitioner, who is an ex-serviceman and in that view of the matter it is submitted that the respondents have rejected the request without considering the said report sent by the District Collector in the year 1985.

However, it is to be seen that there was correspondence right from 1984 and further reports were obtained from the District Collector during 1986-89, which are referred to in the proceedings of the Commissioner of Land Revenue, dated 14.12.1994. In the said proceedings, the Commissioner of Land Revenue accepted the proposals of the District Collector to use the said small bit of land for any government purpose and consequently the District Collector, Anantapur has passed further impugned order dated 7.2.1995 rejecting the representation of the petitioner for assignment of said piece of land. The petitioner was informed that the said piece of land was decided to be used for future needs of the government. Though it is stated that the petitioner was permitted to come into possession of the said land, there are no orders to that effect. In that view of the matter and further in view of the averments made in the counter that the land, which is already allotted to the petitioner, is having access to the road, this piece of land admeasuring 23 cents is useful for government purpose, I do not find any valid ground to grant the relief as prayed for in this writ petition. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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(JUSTICE R.SUBHASH REDDY)

Dt.17.02.2005.

Mdaa.

Copy to:

1 The Mandal Revenue Officer,
Ananthapur(PO & Dist.).
2 The Revenue Divisional Officer,
Ananthapur(PO & Dist.).
3 The District Collector,
Ananthapur.
4 The Commissioner of Land Revenue, Government of A.P.,
Nampally Station Road, Hyderabad.
5 The Government of A.P., Rep. by its Secretary,
Revenue Department, Secretariat Buildings, Hyderabad.

6. Two C.C.copies to G.P.for Revenue, High Court of A.P., Hyderabad (OUT).

7. Two C.D.copies.